

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to Time served plus 10 days.

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 23 Amended Offense Level: 21  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: 92 to 115 months Amended Guideline Range: 77 to 96 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): This amended sentence is above the guideline range of imprisonment of 77 to 96 months as the defendant was originally sentenced due to an upward departure to Total Offense Level 24 (100 to 125 months) by the Court, and this amended sentence provides punishment comparable to the upward departure originally imposed.

### III. ADDITIONAL COMMENTS

**It is further ordered** that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated

1/7/00 shall remain in effect.

IT IS SO ORDERED.

Signed: April 29, 2008

Order Date: April 29, 2008



E. H. Elmer

Lacy H. Thornburg  
United States District Judge